

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEXTER GRANT,

Petitioner,

v.

**RICK THALER, Director,
Texas Department of Criminal
Justice, Correctional Institutions Division,**

Respondent.

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Civil Action No. **3:10-CV-334-L**

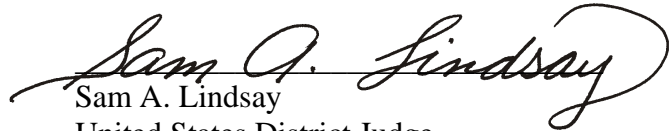
ORDER

Before the court is Petitioner Dexter Grant's Petition for Writ of Habeas Corpus, filed February 18, 2010. The petition was referred to United States Magistrate Judge Irma Carrillo Ramirez, who filed Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") on March 26, 2010. Petitioner has filed no objections to the Report.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. The magistrate judge found that Petitioner has failed to exhaust his state court remedies and that his petition must therefore be dismissed. Petitioner acknowledge that he has not filed a state writ in this case and has not presented any claim to the Texas Court of Criminal Appeals. Moreover, he has only recently appealed his state court conviction and it has not yet been ruled on by the appellate court.

Accordingly, after having reviewed the petition, file, record, and Report in this case, the court determines that the magistrate judge's findings and conclusions are correct. They are therefore **accepted** as those of the court. The court **dismisses without prejudice** the writ of habeas corpus because Petitioner has failed to exhaust his state court remedies.

It is so ordered this 14th day of April, 2010.


Sam A. Lindsay
United States District Judge